

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING ATTORNEYS FOR PLAINTIFFS AND DEFENDANTS IN CIVIL CASES TO THE PERSONS THAT MUST PAY THE \$10 COURT INFORMATION TECHNOLOGY SURCHARGE; EXTENDING THE DURATION OF THE SURCHARGE; AMENDING SECTION 3-1-317, MCA, AND SECTION 5, CHAPTER 498, LAWS OF 2003; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-1-317, MCA, is amended to read:

"3-1-317. (Temporary) User surcharge for court information technology -- exception. (1) Except as provided in subsection (2), all courts of original jurisdiction shall impose:

(a) on a defendant in criminal cases, a \$10 user surcharge upon conviction for any conduct made criminal by state statute or upon forfeiture of bond or bail;

(b) on both the initiating party in civil and probate cases and on the party's attorney, if any, a \$10 user surcharge at the commencement of each action, proceeding, or filing; and

(c) on each defendant or respondent in civil cases and on each defendant's or respondent's attorney, if any, a \$10 user surcharge upon appearance.

(2) If a court determines that a defendant in a criminal case or determines pursuant to 25-10-404 that a party or attorney in a civil case is unable to pay the surcharge, the court may waive payment of the surcharge imposed by this section.

(3) The surcharge imposed by this section is not a fee or fine and must be imposed in addition to other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of any court.

(4) The amounts collected under this section must be forwarded to the department of revenue for deposit in the account established in 3-5-904 for state funding of court information technology. (Terminates June 30, 2005--~~sec. 5, Ch. 498, L. 2003~~ 2007.)"

Section 2. Section 5, Chapter 498, Laws of 2003, is amended to read:

1 **"Section 5. Termination.** [This act] terminates June 30, ~~2005~~ 2007."

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3 NEW SECTION. **Section 3. Effective date.** [This act] is effective June 28, 2005.

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5 NEW SECTION. **Section 4. Termination.** [Section 1] terminates June 30, 2007.

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